



STATE OF NEW JERSEY
DEPARTMENT OF CORRECTIONS

259 (p. 3) (new 3/77)
Revised 8/80
Disciplinary Report

C. DISCIPLINARY REPORT - INMATE'S COPY

PRINT CLEARLY

1. NAME OF INMATE (Last, First): Johnson, L. L. NO. 1102043C
INSTITUTION: ESCF WING: _____ JOB ASSIGNMENT: _____
2. PROHIBITED ACT (with code number): *260 refusing to submit to mandatory medical or other testing
3. REPORTING EMPLOYEE'S NAME: L. Ledesma TITLE: SCPO
DATE: 4/22/22 SIGNATURE: _____
4. PLACE OF ALLEGED INFRACTION: PRU 2 DATE: 4/22/22 TIME: 1410
5. ANY IMMEDIATE SPECIAL ACTION TAKEN: C.L.
AUTHORIZED BY: L. Favre DATE: 4/22/22 TIME: 1615
6. WITNESS(ES), NAME(S) AND NUMBER(S): _____

7. PHYSICAL EVIDENCE - DESCRIPTION AND DISPOSITION: _____

8. DESCRIPTION OF ALLEGED INFRACTION: Inmate Johnson, as was instructed to take his covid test, he refused to comply with my order.

9. COPY OF THIS REPORT DELIVERED TO ABOVE INMATE BY: _____

SIGNATURE: [Signature] DATE: 5/1/22 TIME: after

INMATE READ "USE IMMUNITY" RIGHTS: ☒ YES ☐ NO

THERE ARE _____ NUMBER OF ADDITIONAL PAGES ATTACHED TO THIS REPORT.

C. DISCIPLINARY REPORT - INMATE'S COPY
D. NOTICE TO INMATE OF RIGHTS

D. NOTICE TO INMATE OF RIGHTS

259 (p. 4) (new 3/77)

Revised 8/80

Disciplinary Report

You are being charged with a violation of a Prohibited Act within this institution. Because of the possibility that you may be criminally prosecuted above and beyond the discipline imposed by this institution, you are entitled to be advised of the following rights:

1. *You have the right to remain silent and you cannot be further interrogated should you choose not to speak. Your silence may not be used against you at the disciplinary hearing or in future criminal proceedings. However, if you choose not to speak, the case will be decided on the basis of all other evidence presented at the hearing. The hearing Officer may consider your silence together with all the evidence.*
2. *You have the right to make a statement concerning the charge. This statement or any evidence derived directly or indirectly from your statement may be used against you at the disciplinary hearing but cannot be used against you in any future criminal proceedings.*

YOU WILL BE GIVEN A HEARING BEFORE A DISCIPLINARY HEARING OFFICER OR ADJUSTMENT COMMITTEE IN CONNECTION WITH THIS CHARGE. AT THAT HEARING YOU WILL BE ENTITLED TO THE FOLLOWING:

1. *TWENTY-FOUR (24) HOUR NOTICE OF THE ALLEGED VIOLATION.*
2. *AN INMATE REPRESENTATIVE IF YOU ARE UNABLE TO COLLECT AND GATHER EVIDENCE OR UNABLE TO ADEQUATELY PRESENT YOUR CASE.*
3. *THE RIGHT TO REQUEST WITNESSES AND PRESENT DOCUMENTARY EVIDENCE.*
4. *THE RIGHT TO REQUEST CONFRONTATION AND CROSS-EXAMINATION OF ADVERSE WITNESSES.*
5. *THE RIGHT TO A WRITTEN DECISION BY THE HEARING OFFICER OR ADJUSTMENT COMMITTEE STATING THE EVIDENCE RELIED UPON AND THE REASON FOR THE SANCTION.*
6. *THE RIGHT TO APPEAL THE DECISION OF THE HEARING OFFICER OR ADJUSTMENT COMMITTEE TO THE SUPERINTENDENT.*

D. NOTICE TO INMATE OF RIGHTS

Form 259-A
N.J.A.C. 10A:4STATE OF NEW JERSEY
DEPARTMENT OF CORRECTIONS
K. ADJUDICATION OF DISCIPLINARY CHARGE-INMATE'S COPYRevised 9/15
Page 2 of 3

Please Print or Type

JOHNSON, WENDELL

162043C/130330

*260

Name of inmate _____ No. _____ Prohibited Act No. _____

13. Correctional facility confidential materials _____

NONE

The Disciplinary Hearing Officer concluded that the informant was credible and/or the information was reliable.

☐ Yes☐ No

A concise summary of facts within the personal knowledge of the informant was disclosed to the inmate.

☐ Yes☐ No

Reason for withholding confidential materials from the inmate _____

NONE

14. Inmate's evidence:

(a) Statement of inmate

It's my right to not to test, I've
refused about 6000? never been charged.
My attorney was also ~~not~~ violated b/c I want
to serve with 48 hrs

(b) Statement of counsel substitute

I'm declared c/s

(c) All witnesses the inmate asks to be called including those requested through the investigator.
(USE ADDITIONAL SHEETS FOR ADDITIONAL WITNESSES)

Name of witness _____

☐ Request Granted

Witness statement _____

☐ Request Denied

Reason _____

(d) Documents _____

15. List of adverse witnesses the inmate requests to confront/cross-examine including those requested through the investigator

(USE ADDITIONAL SHEETS FOR ADDITIONAL WITNESSES)

Name of adverse witness _____

☐ Request Denied

Reason _____

☐ Request granted

K. ADJUDICATION OF DISCIPLINARY CHARGE - INMATE'S COPY

Form 259-A
N.J.A.C. 10A:4STATE OF NEW JERSEY
DEPARTMENT OF CORRECTIONS
N. ADJUDICATION OF DISCIPLINARY CHARGE-INMATE'S COPYRevised 5/95
Page 2 of 3

Please Print or Type

Name of inmate

Johnson, Wendell

No.

162043

Prohibited Act No.

** 256*
260

16. Inmate or counsel substitute acknowledges that the information in lines 1-15 accurately reflects what took place at the inmate disciplinary hearing.

Printed name of inmate or counsel substitute

Signature of inmate or counsel substitute

If both the inmate and counsel substitute (if any) refuse to sign, reason stated for refusal, if any:

Inmate and counsel substitute refused to sign:

Printed name of Court-Line Officer

Signature of Court-Line Officer

17. Decision



Guilty of

256 / as amended

Not guilty of

18. Summary of evidence relied on to reach decision

- Reduced to OTSC
- Verbal reprimand

19. Sanction(s)

20. Reason(s) for sanction(s)

1st charge

N. ADJUDICATION OF DISCIPLINARY CHARGE-INMATE'S COPY

Printed name of
Disciplinary Hearing OfficerPrinted name of
Disciplinary Hearing OfficerPrinted name of
Disciplinary Hearing OfficerSignature of
Disciplinary Hearing OfficerSignature of
Disciplinary Hearing OfficerSignature of
Disciplinary Hearing Officer

Date

5/12/22

Time

930

am



pm

Date

5/12/22

Time

900

am



pm

Date

Time



am



pm

48 hrs to appeal

Form 259-A
N.J.A.C. 10A:4STATE OF NEW JERSEY
DEPARTMENT OF CORRECTIONS
F. ADJUDICATION OF DISCIPLINARY CHARGE - INMATE'S COPYRevised 9/15
Page 2 of 5

GARDEN STATE YOUTH CORRECTIONAL FACILITY

Correctional Facility

Please Print or Type

1. Name of inmate JOHNSON, WENDELL Number 162043C/1303300
2. First hearing date 5/12/2022 Reason for postponement Pending clarification
5/16/22 - same
 Second hearing date 5/17/22 Reason for postponement _____
- Third hearing date _____ Reason for postponement _____
3. Prohibited Act No. *260 Description REFUSING TO SUBMIT A MANDATORY MEDICAL OR OTHER TESTING SUCH AS MANDATORY TESTING
4. Name of employee reporting disciplinary charge OFC. LEDESMA
5. Date of incident 04/28/2022 Place PRU-2 Time 1410 ☐ am ☐ pm
6. Date notice of disciplinary charge delivered 05/11/2022 Time 0800 ☐ am ☐ pm
7. Hearing ☐ Within 7 days ☐ Within 72 hours of placement in Prehearing Disciplinary Housing
- Explanation if not within these time frames not A1
8. If inmate waives 24 hours notice, obtain inmate's signature not needed
 Signature of inmate _____
9. Inmate pleads ☐ Guilty ☒ Not guilty ☐ No plea
10. Inmate advised of use immunity for criminal proceedings by Disciplinary Hearing Officer ☒ Yes
11. Counsel substitute ☐ Requested ☒ Not requested
- If counsel substitute requested ☐ Granted _____
 Printed name of counsel substitute _____
- ☐ Denied Reason why I'm declined C/S (12th gr)
12. Correctional facility's non-confidential evidence
- (a) Statements and reports Lelesma/SC/PRU A1
A1-Quarantine Truck Shop
A2-PIR/Purtiss
A1-Lelesma
- (b) Documents and physical evidence A3-PH/PH
A5-OTSC Report

F. ADJUDICATION OF DISCIPLINARY CHARGE - INMATE'S COPY
G. NOTICE TO INMATE OF RIGHTS ON APPEAL (REVERSE SIDE OF THIS SHEET)

STATE OF NEW JERSEY
DEPARTMENT OF CORRECTIONS
G. NOTICE TO INMATE OF RIGHTS ON APPEAL

You are hereby advised that you may appeal the disciplinary decision of the Adjustment Committee or Disciplinary Hearing Officer. You must do so within 48 hours of receipt of this written notice of decision (72 hours at the N.J. Training School for Boys or Juvenile Medium Security Facility) unless there are exceptional circumstances. The Superintendent or his/her designate will review your appeal.

At the discretion of the Superintendent or his/her designate, all or portions of the disciplinary sanction(s) may be suspended while an inmate's appeal is being considered if the inmate does not pose a threat to the order, security and safety of the correctional facility. In such event, any outside activities scheduled for the inmate within the loss of privileges or detention period may be temporarily suspended until a decision is rendered on the appeal by the Superintendent. The Superintendent or his/her designate may approve, modify or reverse any disciplinary action. The Superintendent or his/her designate may also order further hearings where appropriate. In no event shall there be an increase in the severity of sanctions issued by the Adjustment Committee or Disciplinary Hearing Officer solely as a result of the review of the appeal.

The following factors are considered in appeals:

1. Was the inmate provided with all the rights and privileges due him or her as outlined in the Handbook on discipline?
2. Was the decision of the Adjustment Committee or Disciplinary Hearing Officer based on substantial evidence?
3. Under the circumstances, was the sanction imposed proportionate to the offense?

The inmate is notified, in writing, of the results of the review of his/her appeal.

Por la presente se le notifica que usted puede apelar la decisión disciplinaria del Comité de Ajuste o de la Oficial de Audiencias Disciplinarias. Usted deberá hacerlo dentro de las 48 horas a partir del recibo de esta notificación escrita de la decisión (72 horas para N.J. Training School for Boys) a menos que existan circunstancias excepcionales. El(La) Superintendente o la persona designada por él(ella) revisará su apelación.

A la discreción del(la) Superintendente o de la persona designada por él(ella), todas las sanciones disciplinarias o porciones de las mismas podrán suspenderse mientras la apelación del(la) confinado(a) se esté considerando si el(la) confinado(a) no presenta una amenaza al orden, la protección o la seguridad de la institución de corrección. En tal caso, todas las actividades exteriores programadas para el(la) confinado(a) podrán suspenderse temporalmente hasta que el(la) Superintendente haya emitido una decisión sobre la apelación. El(La) Superintendente o la persona designada por él(ella) podrá aprobar, modificar o revocar cualquier acción disciplinaria. El(La) Superintendente o la persona designada por él(ella) también podrá ordenar audiencias adicionales cuando sea apropiado. En ningún caso se aumentará la severidad de las sanciones emitidas por el Comité de Ajuste o el Oficial de Audiencias Disciplinarias sólo como resultado de la revisión de la apelación.

Se consideran los siguientes factores en las apelaciones:

1. ¿Se le proporcionaron al(la) confinado(a) todos los derechos y privilegios que le corresponden según se detallan en el Manual de Disciplina?
2. ¿Se basó la decisión del Comité de Ajuste o del Oficial de Audiencias Disciplinarias en evidencia substancial?
3. ¿Bajo las circunstancias, se impuso la sanción en proporción a la infracción?

Al(la) confinado(a) se le notifica por escrito de los resultados de la revisión de su apelación.

G. NOTICE TO INMATE OF RIGHTS ON APPEAL

Form 256 - I
N.J.A.C. 10A:4STATE OF NEW JERSEY
DEPARTMENT OF CORRECTIONSRevised
1/2000

APPEAL OF DISCIPLINARY DECISION (APELACIÓN DE UNA DECISIÓN DISCIPLINARIA)

Please Print or Type [Sírvese usar letras de molde o máquina de escribir]

G.S.P.C.F.
Correctional Facility (Institución de Corrección)

TO D. Richards, Administrator
[PARA] [Administrador]

FROM JOHNSON, WENDELL 162043C/1303300 N3C
[DE] Name [Nombre] Number [Número] Housing Unit [Unidad de Vivienda]

Sir: [Sr(a).]:

T. CORTES

I appeared before the Disciplinary Hearing Officer

[Comparecí ante el(la) Oficial de Audiencias Disciplinarias]

Name [Nombre]

5/12/2022

on 5/12/2022 at ☐ AM ☐ PM for violation of Prohibited Act # *.260,
[el] [a las] [por violación al Acto Prohibido]

256, # , # , # REFUSING TO SUBMIT A
MANDATORY MEDICAL OR
OTHER TESTING SUCH AS
MANDATORY TESTING

1. I wish to appeal the decision of the Hearing Officer, based on the following reasons:
[Deseo apelar la decisión del Oficial de Audiencias, basándome en las siguientes razones:]

- ☒ violation of Standards [violación de las Normas]
☐ misinterpretation of the facts [mala interpretación de los hechos]
☐ a plea of leniency [una petición de indulgencia]
☐ other [otra]

2. ☐ I request that the sanction imposed be suspended pending appeal. [Solicito que la sanción impuesta se suspenda mientras se apela]

EXPLANATION: [EXPLICACIÓN]

clearly this is cruel and unusual punishment and due
process of law in full, Gov. Murphy executive order No. 290
does not mandate inmates to take covid-19 test or vaccines
and 410 U.S. 113 (1973) and U.S. v. BERRIGAN, 482 F.2d 171 (1973) would
be applicable to the case at bar.

PREPARED BY: [PREPARADO POR:]

Wendell JohnsonPrinted name of person preparing form
[Nombre en letra de molde de la persona que preparó el formulario]Wendell JohnsonSignature of person preparing form
[Firma de la persona que preparó el formulario]Wendell Johnson

Signature of inmate [Firma del(la) confinado(a)]

5-17-22

Date [Fecha]

9:15

Time [Hora]

☒ AM ☐ PM

RECEIVED BY:

☐ AM ☐ PM

Printed Name

Signature

Date

Time

Form 256 – II
N.J. A.C. 10 A:4STATE OF NEW JERSEY
DEPARTMENT OF CORRECTIONSRevised
1/2000

DISPOSITION OF DISCIPLINARY APPEAL (DISPOSICIÓN DE LA APELACIÓN DISCIPLINARIA)

Please Print or Type (Sírvese usar letras de molde o máquina d'escribir)

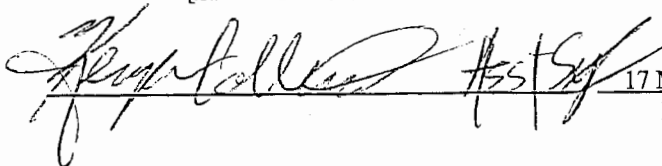
Garden State Youth Correctional Facility
Correctional Facility (Institución de Corrección)TO: Johnson, Wendell
Name [Nombre]162043C
Number [Número]FROM: Kenya Collins
Name [Nombre]Assistant Superintendent
Title [Título]I have reviewed the appeal of your disciplinary hearing held on 12 May 2022 at 9:30 ☒ AM ☐ PM
[He revisado l'apelación de su audiencia disciplinarian que tuvo lugar el]for violations of *.256
[cuyo fallo dictó el(la)]Hearing Officer: T. Cortes, and have determined that:
[Oficial de Audiencias y he determinado que]

- ☒ The decision of the Hearing Officer is upheld. [Se respalda la decisión del(la) Oficial de Audiencias]
☐ The decision of the Hearing Officer is rescinded. [Se rescinde la decisión del(la) Oficial de Audiencias]
☐ The decision of the Hearing Officer is modified. [Se modifica la decisión del(la) Oficial de Audiencias]
☐ The decision of the Hearing Officer is rescinded and a new hearing is ordered. [Se rescinde la decisión del(la) de Audiencias y se ordena una nueva audiencia.]

EXPLANATION: [EXPLICACIÓN]:

Sanctions administered by the Hearing Officer are appropriate for prohibited act(s) 256. After review of inmate disciplinary history and submitted custody reports; request for applying violation of standards is denied. **Charge was downgraded to an On The Spot by the Hearing Officer.** You have the responsibility to know and abide by the rules, procedures and schedules concerning the operation of the correctional facility.

X Defendant's mental health history was reviewed and considered (if applicable)
[El estado de salud mental del defendido fue revisado y considerado] (si se require)

 17 May 2022 4:04 AM/PM
DATE TIME

Delivered by _____
Print name of employee_____
Date_____
Signature of inmate_____
Signature of employee if inmate refuses to sign